

CHAPTER NO. 22

HOUSE BILL NO. 2369

By Representative Fraley

Substituted for: Senate Bill No. 2347

By Senator Cooper

AN ACT to amend Chapter 318 of the Acts of 1901; as amended by Chapter 283 of the Private Acts of 1911; Chapter 83 of the Private Acts of 1971; Chapter 69 of the Private Acts of 1985; Chapter 34 of the Private Acts of 1989; Chapter 43 of the Private Acts of 1993; Chapter 195 of the Private Acts of 1994 and Chapter 34 of the Private Acts of 2003; and any other acts amendatory thereto, relative to the charter of the city of Decherd.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 318 of the Acts of 1901, as amended by Chapter 283 of the Private Acts of 1911, Chapter 83 of the Private Acts of 1971, Chapter 69 of the Private Acts of 1985, Chapter 34 of the Private Acts of 1989, Chapter 43 of the Private Acts of 1993, Chapter 195 of the Private Acts of 1994, Chapter 34 of the Private Acts of 2003, and any other acts amendatory thereto, is amended by deleting Section 3 and substituting instead the following:

SEC. 3. Be it further enacted, that the officers of the City of Decherd, shall be a Mayor and a Board of Alderman, each and all of whom shall be citizens of and voters in said city and shall be at least twenty-one (21) years of age by the time that the officer is to take office and shall have resided in the city for at least six (6) months preceding the election. The Board of Aldermen shall consist of four members chosen by the qualified voters of said city. Any alderman after his election removing from the city shall thereby vacate his office. The alderman elected at each election with the highest number of votes shall be the vice mayor for a two (2) year term and shall have all powers and duties in the event of the absence of the mayor. Should the office of vice-mayor become vacant, the immediate past vice-mayor shall assume the office. If there is no immediate past vice-mayor, the aldermen will elect the vice-mayor from within.

The salaries of the Mayor and each alderman shall be established by ordinance, and any increase or decrease in salaries shall not become effective until the expiration of the terms of the Mayor and aldermen.

SECTION 2. Chapter 318 of the Acts of 1901, and any other acts amendatory thereto, is further amended in Section 6 by deleting subsection (b) and substituting instead the following:

(b) The two aldermanic seats expiring in June, 2005 shall be extended to August 31, 2005, at the regular election of the first Thursday of August, 2005, these aldermanic seats shall be filled by election for a term of four years, and every four years thereafter.

SECTION 3. Chapter 318 of the Acts of 1901, and any other acts amendatory thereto, is further amended by deleting Section 9 and substituting instead the following:

SEC. 9. The presence of three members of the Board of Aldermen shall constitute a quorum for conducting city business. In the event that the city is unable to convene a quorum after one regular meeting, the Mayor shall then be declared a member for the purpose of constituting a quorum. If the Mayor or any of the aldermen, or any officer should die, resign or move away, the vacancy will be filled by the board at its next meeting, or as soon thereafter as possible. The appointment shall be for the remainder of the term. The mayor or the city administrator shall fill all vacancies arising in any office, except that of alderman, until the same shall be filled by the board. The Mayor and aldermen and all officers shall respectively take an oath before entering upon the duties of their office before some person competent to administer an oath, to execute the same faithful and impartially, and the Mayor and aldermen shall take an oath to support the Constitution of the United States and the Constitution of the State of Tennessee.

SECTION 4. Chapter 318 of the Acts of 1901, and any other acts amendatory thereto, is further amended by deleting Paragraph 1 in Section 10 and substituting instead the following:

SEC. 10. It is the duty of the mayor to preside at all meetings of the board, to vote in the election of the city administrator, recorder, police chief, city attorney and all other officers and in all cases where there is a tie vote. All ordinances and resolutions approved by the board shall be approved and signed by the mayor on or before the next meeting of the board. The Mayor shall have veto power, and if the mayor refuses to approve any ordinance or resolution, the mayor shall return the same to the board at its next meeting with the reasons in writing for the refusal. The ordinance or resolution is not valid, unless the board by a majority present vote passes the same notwithstanding the mayor's veto. If the mayor does not veto an ordinance or resolution, it shall become valid without the mayor's signature; the mayor shall also take care that all the ordinances of the city are fully enforced, respected and observed within the city limits; and shall perform all such other duties as the board may by ordinance or otherwise impose. The mayor or vice-mayor shall call special sessions of the board when the mayor or vice-mayor finds it expedient.

SECTION 5. Chapter 318 of the Acts of 1901, and any other acts amendatory thereto, is further amended by deleting the first sentence in Section 10A and substituting instead the following:

There shall be a city court presided over by a City Judge appointed by the board.

SECTION 6. Chapter 318 of the Acts of 1901, and any other acts amendatory thereto, is further amended by deleting the language APPROPRIATIONS MUST BE FOR CORPORATE PURPOSES, CONFLICTS OF INTEREST and Section 15 and substituting instead the following:

LEGISLATIVE

SEC.15. (a) The board shall make appropriations for public purposes authorized elsewhere in this charter and the general laws of the state. No member of the board shall become a bondsman for any agent, officer or servant of the city nor be interested, directly or indirectly, in any contract with the corporation.

(b) Ordinance Procedures. All ordinances shall begin with the clause, "Be it ordained by the Board of Aldermen of the City of Decherd, Tennessee," an ordinance may be introduced by any member of the board. The body of ordinances may be omitted from the Minutes on the first reading, but reference therein shall be made to the ordinance by title and/or subject matter. Every ordinance shall be passed on three different days, at regular, special or adjourned meetings. Except in the ordinance adopting the budget, no material or substantial amendment may be made on final passage, unless such amendment be passed in the same manner as an amendment to an existing ordinance. Every ordinance shall be effective upon final passage unless by its terms the effective date is deferred.

(c) Legislative action which must be exercised by ordinance. Except as otherwise provided by general law or this charter, legislative action of the board shall be by ordinance when granting, renewing or extending public franchises; creating; abolishing or combining departments or offices; authorizing the borrowing of money, regulating the rate charged for its services by a public utility; fixing fees, service charges, and utility rates; exercising the police power; levying taxes; adopting the budget; providing a fine or other penalty or establishing a rule or regulation for violation of which a fine or other penalty is imposed; or amending or repealing an existing ordinance.

SECTION 7. Chapter 318 of the Acts of 1901, and any other acts amendatory thereto, is further amended by deleting Section 16A entitled SCHOOLS.

SECTION 8. Chapter 318 of the Acts of 1901, and any other acts amendatory thereto, is further amended by deleting Section 16B and substituting instead the following:

SEC. 16B. The board is hereby authorized and empowered to appoint a Cemetery Committee to look after and beautify and keep and

preserve the city's cemeteries and to further prescribe the committee's powers and duties.

SECTION 9. Chapter 318 of the Acts of 1901, and any other acts amendatory thereto, is further amended by deleting Section 17 and substituting instead the following:

SEC. 17. This Act is declared a public law and may be read in evidence of all the courts of law and equity, and all ordinances, resolutions and proceedings of the board when printed and published by the authority of the board, shall be received as evidence in all the courts and places without further proof, when certified by the City Recorder.

SECTION 10. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Decherd. Its approval or nonapproval shall be proclaimed by the presiding officer of Decherd and certified to the secretary of state.

SECTION 11. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 10.

PASSED: March 23, 2005


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 5th day of April 2005


PHIL BREDESEN, GOVERNOR